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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

13 MARVIN LOUIS JENNINGS,)	1:20-cv-01180-SKO
)	
14 Plaintiff,)	
)	POST HOC STIPULATION AND ORDER
15 v.)	FOR AN EXTENSION OF TIME
)	
16)	(Doc. 16)
)	
17 ANDREW SAUL,)	
18 Commissioner of Social Security,)	
)	
19 Defendant.)	

20 IT IS HEREBY STIPULATED, by and between the parties, through their respective
21 counsel of record, that Defendant shall have an extension through June 15, 2021 to respond to
22 Plaintiff's settlement letter. Defendant's counsel miscalendared the deadline to respond to
23 Plaintiff's letter. Counsel apologizes to Plaintiff and the Court for any inconvenience caused by
24 this delay.

25 The parties further stipulate that the Court's Scheduling Order shall be modified
26 accordingly.
27
28

Respectfully submitted,

Dated: June 16, 2021

/s/ Melissa Newel by Chantal R. Jenkins*

*As authorized via email on June 16, 2021

Melissa Newel

Attorney for Plaintiff

Dated: June 16, 2021

MCGREGOR W. SCOTT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

By: /s/ Chantal R. Jenkins

CHANTAL R. JENKINS

Special Assistant United States Attorney

ORDER

On June 15, 2021, eight days after Defendant's confidential letter brief was to be served, Defendant filed a proof of service of his confidential letter brief on that same date. (Doc. 15.) The following day, on June 16, 2021, the parties filed the above stipulation (Doc. 16), requesting an extension of time for Defendant to file his confidential letter brief.

The Court may extend time to act after the deadline has expired because of "excusable neglect." Fed. R. Civ. P. 6(b)(1)(B). Here, although the stipulation demonstrates good cause under to support the request for extension of time (*see* Fed. R. Civ. P. 16(b)(4)), no such excusable neglect has been articulated—much less shown—to justify the untimeliness of the request. Notwithstanding this deficiency, given the absence of bad faith or prejudice to Plaintiff (as evidenced by his agreement to the extension of time after the deadline), and in view of the liberal construction of Fed. R. Civ. P. 6(b)(1) to effectuate the general purpose of seeing that cases are tried on the merits, *see Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010), the Court GRANTS the parties' stipulated request. **The parties are cautioned that future post hoc requests for extensions of time will be viewed with disfavor.**

IT IS HEREBY ORDERED that Defendant's request for an extension of time to June 15, 2021, to serve his confidential letter brief is granted. All other deadlines set forth in the Scheduling Order (Doc. 13) are modified accordingly.

IT IS SO ORDERED.

Dated: June 17, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE